

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



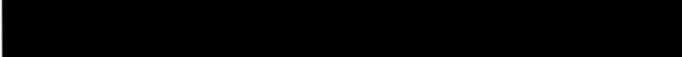
U.S. Citizenship  
and Immigration  
Services

PUBLIC COPY

*Dr*

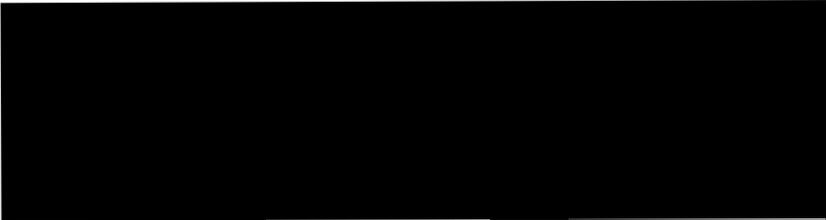


FILE: WAC 06 158 50237 Office: CALIFORNIA SERVICE CENTER Date: **MAY 21 2008**

IN RE: Petitioner:   
Beneficiary: 

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(i)(b) of the  
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All materials have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

*for Michael T. Kelly*  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** On April 19, 2006, the petitioner filed a petition for a nonimmigrant worker. The director of the California Service Center denied the nonimmigrant visa petition on May 3, 2006. The petitioner filed an appeal on June 2, 2006, which was reviewed by the Administrative Appeals Office (AAO). By decision dated August 10, 2007, the AAO disagreed with the director's decision, withdrew it, and remanded the petition to the director for further consideration and the entry of a new decision, which, if adverse to the petitioner, was to be certified to the AAO for review. On September 10, 2007, the director issued a request for additional evidence (RFE), in order to provide the petitioner an opportunity to submit additional documentation to resolve evidentiary issues that the AAO had identified during its review of the record of proceedings. The RFE provided the petitioner 12 weeks to respond. On March 14, 2008 the service center director rendered a decision denying the petition as abandoned, based upon the petitioner's failure to respond to the RFE. Also on March 14, 2008, the service center director certified her decision to the AAO for review, as directed by the AAO decision that remanded the proceedings. As the 30-day period that the notice of certification afforded the petitioner to respond to the decision certified to the AAO has passed, the AAO will now render its decision on the certified decision before it. Based upon the AAO's review of the entire record of proceedings, the certified decision will be affirmed and the petition will be denied.

The RFE issued by the director on September 10, 2007 notified the petitioner of material evidentiary deficiencies in the record of proceedings that precluded approval of the petition. The RFE requested that the petitioner provide particular types of documentary evidence to address the specified evidentiary deficiencies.

The RFE notified the petitioner that it had until December 3, 2007 to respond to the RFE. The time allotted has passed, and the director and the AAO have not received any materials in response to the RFE. Accordingly, the record of proceedings is complete.

The RFE alerted the petitioner to the limited time for response and that a failure to respond may result in denial for abandonment. The RFE stated the following:

Pursuant to 8 C.F.R. § 103.2(b)(11) failure to submit ALL evidence required AT ONE TIME may result in the denial of your application.

As the petitioner has not responded to the RFE, the petition is denied for the reasons set forth in the RFE and for abandonment. *See* 8 C.F.R. § 103.2(B)(13).

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not sustained that burden.

**ORDER:** The decision of the director dated March 14, 2008 is affirmed, and the petition is denied.